

Re: Submission of Rule 59(e) Motion to Alter or Amend Judgment
Kotze v. NBCUniversal Media, LLC et al.
Case No. 1:25-cv-04703 (JAV)

To the Honorable Jeannette A. Vargas:

I write with the utmost respect to Your Honor and the Court to submit my Rule 59(e) Motion to Alter or Amend Judgment, together with newly submitted evidence and statutory grounds warranting reconsideration of the Court's July 14, 2025, Memorandum Opinion and Order (Dkt. 29).

This motion is not simply procedural. It is a human rights appeal embedded within federal civil procedure, one rooted in the constitutional and statutory protections of individual dignity, particularly in the context of digital exploitation, coerced consent, and the long-term commercialization of trauma.

I was 23 years old when I was manipulated on camera into a sexualized narrative I did not consent to. That content has now been streamed, marketed, and profited from for ten consecutive years. The harm did not end in 2015. It continues each time that footage is accessed, sold, or promoted, especially as recently as 2025, as shown in Exhibit B.

This case now falls under a constellation of protective legal frameworks:

- The Take It Down Act (Pub. L. 117–103)
- New York Civil Rights Law §§ 50–51
- Title VII (42 U.S.C. § 2000e)
- And the constitutional protections against coerced speech and exploitation without redress.

Your Honor's ruling in Dkt. 29 thoughtfully emphasized the First Amendment and the element of delay. This motion respectfully clarifies that the commercial redistribution of my likeness is not protected expression—it is regulated commercial speech and ongoing tortious conduct, as described in *Central Hudson Gas & Elec. Corp. v. PSC*, 447 U.S. 557 (1980).

Moreover, as explained in my attached sworn declaration (Exhibit A), the delay in filing was not tactical; it was a function of years of psychological recovery, quietly endured. I reached out to producers Mark Cronin and Courtland Cox in 2015 and again in 2024. My voice was ignored until I had the courage and clarity to assert it here, in this honorable forum.

This case is not about silencing the media. It is about protecting a survivor's right to stop being commodified by the trauma he never agreed to relive.

I respectfully submit the following:

- Rule 59(e) Motion (Main)
- Declaration of Ongoing Harm (Exhibit A)
- Evidence of Streaming & Monetization (Exhibit B)
- Legal Framework Memo – Take It Down Act & NY Civ. Rights Law (Exhibit C)
- Pattern of Systemic Abuse Across Similar Cases (Exhibit D)

I trust in this Court's integrity and its capacity to weigh both precedent and principle. And I thank Your Honor for allowing me to seek not vengeance but resolution, protection, and dignity under law.

Please confirm receipt and advise if any further action is required.

With profound respect,
/s/ Emile Petrus Kotze
Pro Se Plaintiff